

Doug Dorsey

From: Pounds, Samantha [KDWPT] <Samantha.Pounds@KS.GOV>
Sent: Friday, June 7, 2019 12:49 PM
To: Doug Dorsey
Subject: KDWPT permit needed, BNSF second track construction (Ellinor to Matfield Green), Chase County (Track# 20190452)
Attachments: Action Permit Application.pdf

Dear Doug Dorsey,

We have reviewed the information for the proposed BNSF second track construction in Chase County, KS (Site1- 38.180808, -96.569728; Site2- 38.265303, -96.538059; Site3- 38.361347, -96.484587). The project was reviewed for potential impacts on crucial wildlife habitats, current state listed threatened and endangered species and species in need of conservation, and Kansas Department of Wildlife, Parks, and Tourism managed areas for which this agency has administrative authority.

Project plans indicates that construction will occur within the channels of Crocker Creek (Site1), Rock Creek (Site2), and the Cottonwood River (Site3). **Site 1 and Site 2 project locations are Designated Critical Habitat for the Topeka Shiner (*Notropis topeka*), and Site 3 is Designated Critical Habitat for the Neosho Madtom (*Noturus placidus*), Ouachita Kidneyshell Mussel (*Ptychobranhus occidentalis*), and Neosho Mucket Mussel (*Lampsilis rafinesqueana*) and will require an Action Permit from our Department.** Permit conditions will primarily consist of work date restrictions to avoid the species' spawning dates and mussel surveys to relocate listed mussels. To date an application for Action Permit has not been applied for. Project activity should not begin until the application for Action Permit has been received and signed by both parties.

A copy of the permit application is attached and should be completed and returned to our office at your earliest convenience.

Thank you and please let me know if you have any questions.



Samantha Pounds
Ecologist, Ecological Services Section
Kansas Dept. of Wildlife, Parks, and Tourism
Pratt, KS 67124
Office: (620)672-0792
Cell: (620)388-6061
samantha.pounds@ks.gov